



General Assembly

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**Amendment**

LCO No. 6174

\*SB0090106174SD0\*

Offered by:

SEN. PRAGUE, 19<sup>th</sup> Dist.

SEN. MCDONALD, 27<sup>th</sup> Dist.

To: Subst. Senate Bill No. 901

File No. 499

Cal. No. 320

**"AN ACT CONCERNING REPORTS OF SUSPECTED ABUSE,  
NEGLECT, EXPLOITATION OR ABANDONMENT OF ELDERLY  
PERSONS OR PERSONS IN LONG-TERM CARE FACILITIES."**

1 In line 22, strike the opening and closing brackets and after "dollars"  
2 insert ", except that, if such person intentionally fails to make such  
3 report within the prescribed time period, such person shall be"

4 In line 122, after "report" insert "within the prescribed time period"  
5 and strike the opening bracket

6 In line 123, strike the closing bracket and after "dollars" insert  
7 "except that, if such person intentionally fails to make such report  
8 within the prescribed time period, such person shall be"

9 After the last section, add the following and renumber sections and  
10 internal references accordingly:

11 "Sec. 501. (NEW) (*Effective October 1, 2003*) For the purposes of  
12 sections 501 to 506, inclusive, of this act:

13 (1) "Person" means any natural person, corporation, partnership,  
14 limited liability company, unincorporated business or other business  
15 entity;

16 (2) "Elderly person" means any person who is sixty years of age or  
17 older;

18 (3) "Blind person" means any person who is blind, as defined in  
19 section 1-1f of the general statutes;

20 (4) "Disabled person" means any person who is physically disabled,  
21 as defined in section 1-1f of the general statutes;

22 (5) "Mentally retarded person" means any person with mental  
23 retardation, as defined in section 1-1g of the general statutes;

24 (6) "Abuse" means any repeated act or omission that causes  
25 physical injury or serious physical injury to an elderly, blind, disabled  
26 or mentally retarded person, except when (A) the act or omission is a  
27 part of the treatment and care, and in furtherance of the health and  
28 safety, of the elderly, blind, disabled or mentally retarded person, or  
29 (B) the act or omission is based upon the instructions, wishes, consent,  
30 refusal to consent or revocation of consent of an elderly, blind,  
31 disabled or mentally retarded person, or the legal representative of an  
32 incapable elderly, blind, disabled or mentally retarded person. For  
33 purposes of this subdivision, "repeated" means an act or omission that  
34 occurs on two or more occasions;

35 (7) "Intentionally" means "intentionally" as defined in subdivision  
36 (11) of section 53a-3 of the general statutes;

37 (8) "Knowingly" means "knowingly" as defined in subdivision (12)  
38 of section 53a-3 of the general statutes;

39 (9) "Recklessly" means "recklessly" as defined in subdivision (13) of  
40 section 53a-3 of the general statutes;

41 (10) "Physical injury" means "physical injury" as defined in

42 subdivision (3) of section 53a-3 of the general statutes; and

43 (11) "Serious physical injury" means "serious physical injury" as  
44 defined in subdivision (4) of section 53a-3 of the general statutes.

45 Sec. 502. (NEW) (*Effective October 1, 2003*) (a) A person is guilty of  
46 abuse in the first degree when such person intentionally commits  
47 abuse of an elderly, blind, disabled or mentally retarded person and  
48 causes serious physical injury to such elderly, blind, mentally retarded,  
49 or disabled person.

50 (b) Abuse in the first degree is a class B felony.

51 Sec. 503. (NEW) (*Effective October 1, 2003*) (a) A person is guilty of  
52 abuse in the second degree when such person: (1) Intentionally  
53 commits abuse of an elderly, blind, disabled or mentally retarded  
54 person and causes physical injury to such elderly, blind, disabled or  
55 mentally retarded person, or (2) knowingly commits abuse of an  
56 elderly, blind, disabled or mentally retarded person and causes serious  
57 physical injury to such elderly, blind, disabled or mentally retarded  
58 person.

59 (b) Abuse in the second degree is a class C felony.

60 Sec. 504. (NEW) (*Effective October 1, 2003*) (a) A person is guilty of  
61 abuse in the third degree when such person knowingly commits abuse  
62 of an elderly, blind, disabled or mentally retarded person and causes  
63 physical injury to such elderly, blind, disabled or mentally retarded  
64 person.

65 (b) Abuse in the third degree is a class D felony.

66 Sec. 505. (NEW) (*Effective October 1, 2003*) (a) A person is guilty of  
67 abuse in the fourth degree when such person recklessly commits abuse  
68 of an elderly, blind, disabled or mentally retarded person and causes  
69 physical injury to such elderly, blind, disabled or mentally retarded  
70 person.

71 (b) Abuse in the fourth degree is a class A misdemeanor.

72 Sec. 506. (NEW) (*Effective October 1, 2003*) (a) For the purposes of this  
73 section, "license" means a license, certificate or permit to engage in a  
74 profession issued by the Department of Public Health.

75 (b) Whenever a person holding a license is convicted of a violation  
76 of section 502, 503, 504 or 505 of this act or subsection (a) of section  
77 17b-407 or subsection (a) of section 17b-451 of the general statutes, the  
78 appropriate state's attorney or assistant state's attorney shall transmit a  
79 notice of conviction to the Department of Public Health.

80 (c) The Department of Public Health may suspend or revoke the  
81 license of such person for any period of time or permanently revoke  
82 such license, or take any other action authorized by section 19a-17 of  
83 the general statutes, in the sole discretion of the department."